

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

DANIEL R. SMITH,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2012-7084

Appeal from the United States Court of Appeals for
Veterans Claims in 08-1959, Judge Robert N. Davis.

ON MOTION

O R D E R

The Secretary of Veterans Affairs moves without opposition for extensions of time, until November 29, 2012, to file his response brief. Daniel R. Smith moves to voluntarily withdraw his appeal due to settlement.

Upon consideration thereof,

IT IS ORDERED THAT:

DANIEL SMITH v. SHINSEKI

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(1) The motion to withdraw the appeal is granted.
The appeal is dismissed.

(2) All other pending motions are moot.

(2) Each side shall bear its own costs.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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Issued As A Mandate: DEC 04 2012